

App. No. 10/010,821
Reply to Final Office Action of February 6,2004

REMARKS/ARGUMENTS

Claims 21-29 remain in this application. The following issues are outstanding in the Final Office Action dated February 6, 2004:

- Claims 21, 23-26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,517,169 to Laskaris et al. (hereinafter "Laskaris") in view of U.S. Patent No. 6,054,854 to Kawamoto (hereinafter "Kawamoto").
- Claims 21-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamoto.

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Claim Rejections – 35 U.S.C. § 103(a): Laskaris in view of Kawamoto

The Examiner has rejected Claims 21, 32-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Laskaris in view of Kawamoto. In particular, the Examiner stated Laskaris teaches a plurality of electrically conductive coaxial coils arranged and positioned about a common longitudinal axis, but did not teach the claimed magnetic field strength nor the elongate support surface. The Examiner concluded it would have been obvious to one of skill in the art at the time the invention was made to adjust the magnetic field strength in order to achieve a desired result. The Examiner further cited Kawamoto (Fig. 1) for teaching an elongate support surface having a cushion for supporting a human body thereon, and concluded it would have been obvious to provide the elongate support surface of Kawamoto in order to support a human patient in the apparatus of Laskaris.

As can best be understood by Kawamoto, which fails to provide any description of any support surface therein, but fails to teach a cushion *and* an elongate support surface. And what Laskaris teaches is an *actively shielded* gradient coil unit such that the coil assemblies have a shielded structure allowing only *very little magnetic field gradients* to leak out along each channel (emphasis added). Col. 10, lines 59-61. In contrast, the invention of claim 21 does not. Rather, as specified in the claim and in the specification of the present invention, a static magnetic field is created along the length of the longitudinal axis. The shielding of Laskaris would prevent such a uniform field from forming, and thereby *teaches away* from the present invention. And adding a cushion to Kawamoto would result in inaccurate measurements from an MRI device due to the uneven placement of the patient on the cushion. Accordingly, combining the invention of Kawamoto with Laskaris would have significant functionality problems at least

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for these reasons. As a result, claim 21 is not achieved by any combination of teachings of Kawamoto with Laskaris. It is therefore respectfully submitted that claim 21 and its dependent claims (claims 22-25) are submitted to be allowable over Laskaris and Kawamoto, alone or in combination.

With respect to claim 26, the Examiner cited Laskaris for the same reasons as above, in addition to teaching the length of the coils is at least as long as the distance between the head and the human body, inclusive (Fig. 1), and a source of direct current electricity. Kawamoto was cited for teaching the elongate support surface having a cushion.

Just like above, Kawamoto fails to teach a cushion, but rather a planar elongate surface (see Fig. 1). And also just like above, such a combination with Laskaris would have functionality problems. The shielded coils would also require significant experimentation to achieve the results of the present invention at the strength claimed. Accordingly, claim 26 and its dependent claims (27-29) are submitted to be allowable over the cited art alone or in combination.

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SUMMARY

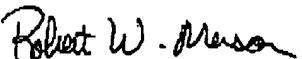
Believing it has addressed all matters raised by the Examiner's February 6, 2004 Office Action, Applicant respectfully requests timely action on the merits. No fees are believed to be required for the amendment. Nevertheless, the Commissioner is permitted to deduct or credit any fees that may be required from Kinetic Concept Inc. Deposit Account No. 500-326.

In view of the above, it is submitted that the claims are now in condition for allowance. Reconsideration and withdrawal of the rejections is hereby respectfully requested. Allowance of Claims 21-29 at an early date is solicited.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration, or, in the alternative, an advisory action.

Respectfully submitted,



Robert W. Mason
Reg. No. 42,848
Attorney for the Applicant

KINETIC CONCEPTS, INC.
P.O. Box 659508
San Antonio, Texas 78265-9508
TEL: (210) 255-6271
FAX: (210) 255-6969